

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:15-cv-00140-RLV
(5:12-cv-00002-RLV-DSC-1)

THOMAS PHELPS HAMILTON,)
Petitioner,)
v.)
UNITED STATES OF AMERICA,)
Respondent.)

ORDER

THIS MATTER is before the Court on consideration of Petitioner's Second Amended § 2255 Motion to Vacate. (Doc. 7).

In the amended motion, Petitioner states that he has attached a brief in support of his claims for relief, however no such brief was submitted to the Clerk's office. Plaintiff will be provided 14-days from entry of this Order to submit the brief. In addition, Petitioner is cautioned that his second amended motion to vacate supersedes his amended motion to vacate, (Doc. 4), unless Petitioner informs the Court that he wishes to have those motions considered collectively.

IT IS, THEREFORE, ORDERED that Petitioner shall file his brief within 14-days from entry of this Order.

IT IS FURTHER ORDERED that Petitioner shall inform the Court whether he wishes to have his second amended motion to vacate, (Doc. 7), replace his amended motion to vacate, (Doc. 4), or whether he wishes to have the motions considered collectively. Petitioner is cautioned that if he does not respond to this Order within 14-days then the Court will consider only the merits of the Second Amended Motion to Vacate. (Doc. 7).

IT IS FURTHER ORDERED that the Order to Answer is stayed pending further order of the Court. (Doc. 6).

SO ORDERED.

Signed: April 6, 2016



Richard L. Voorhees
United States District Judge

